

# **Town Board Minutes**

## **Meeting No. 6**

### ***Regular Meeting***

**February 28, 2000**

## **Town Board Minutes**

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**Meeting No. 6**

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 28th day of February 2000 at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
GEORGETTE PELLETTERIE, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
RICHARD ZARBO, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
THOMAS FOWLER, CHIEF OF POLICE  
CHRISTINE FUSCO, ASSESSOR  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 10:07 P.M. to deliberate in Executive Session for the announced purpose of discussing the Police contract and Tops litigation.

At 11:40 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

**Grabowski, Dan**, 44 Eastwood Pkwy, spoke to the Town Board on the following matter:

- Spoke in support of H. H. Housing Inc., Senior citizen housing project on William Street.

**Hezel, George**, President of H. H. Housing, Inc., spoke to the Town Board on the following matter:

- Presented a new sketch of the William Street property, indicating a change in location of driveway and berms.

**Braun, Melvin**, 5984 Genesee Street, spoke to the Town Board on the following matter:

- Raised question about the H. H. Housing Inc. rezone project on William Street.

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- Asked question re: Police contract negotiation team.
- Questioned compensatory and vacation time accrued.
- Commented about flooding in Ellicott Creek and Scajaquada Creek.

**Ciancio, George**, 64 Northwood Drive, spoke to the Town Board on the following matter:

- Raised question re: the corporate ownership of H. H. Housing Inc.

**Gull, Henry**, 710 Pavement, spoke to the Town Board on the following matter:

- Asked questions re: Buffalo News article re: Police matters.

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matter:

- Raised questions re: the Master Plan Survey as they relate to consolidation of services.

**Brett, James**, 659 Harris Hill Road, spoke to the Town Board on the following matters:

- Raised questions re: the number of stories to structure proposed by H. H. Housing Inc.
- Expressed the need to address the public safety issue before merging the Village and Town Police Departments.

**Juszczak, Joseph**, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

- Asked Council Member Montour questions re: his vote on resolution # 2.
- Expressed alleged inadequate signage on various highways within Town.
- Spoke about dumping in Ellicott Creek

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the minutes from the Joint Meeting of the Town Board and the  
Planning Board held on February 7, 2000 and the Regular Meeting of the Town Board held on  
February 7, 2000 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll  
call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: RMIN (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster, by letter dated February 4, 2000, has requested permission for two (2) Police Officers, to be selected by the Chief of Police, to join him in attending the Middle Atlantic-Great Lakes-Organized Crime Law Enforcement Network (MAGLOCLN) in Cleveland, Ohio from April 17, 2000 through April 21, 2000,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that two (2) Police Officers of the Town of Lancaster, who have been chosen by the Chief of Police, be and are hereby authorized to attend the Middle Atlantic-Great Lakes-Organized Crime Law Enforcement Network (MAGLOCLN) in Cleveland, Ohio from April 17, 2000 to April 21, 2000, and

**BE IT FURTHER**

**RESOLVED**, that expense reimbursement be and is hereby authorized in an amount not to exceed \$500.00 each, plus mileage, and

**BE IT FURTHER**

**RESOLVED**, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED NO
COUNCIL MEMBER PELLETIER	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: RSEMMTGS (P9)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER PELLETTERIE, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated February 22, 2000, has requested permission for Jennifer Candino, Youth Coordinator, and Anthony Lorigo, Youth Counselor, in the Youth Bureau of the Town of Lancaster to attend "Classroom Management for Non-Teaching Human Services Professionals Workshop" which is sponsored by the Office of Professional Social Work Continuing Education, State University of New York at Buffalo School of Social Work at Daemen College in Buffalo, New York on April 14, 2000,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Jennifer Candino, Youth Coordinator and Anthony Lorigo, Youth Counselor in the Youth Bureau of the Town of Lancaster be and are hereby authorized to attend "Classroom Management for Non-Teaching Human Services Professional Workshop" at Daemen College in Buffalo, New York on April 14, 2000, and

**BE IT FURTHER**

**RESOLVED**, that expense reimbursement be and is hereby authorized in an amount not to exceed \$65. 00 per person, plus mileage, and

**BE IT FURTHER**

**RESOLVED**, that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: RSEMMTGS (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc., by letter dated February 9, 2000 has requested the addition of two probationary active members and a probationary non-resident active member to the membership roster of said fire association,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the following addition to the membership of the Bowmansville Volunteer Fire Association:

**ADDITION - Probationary Active Members:**

Martin Siminski	John Machniak
334 Seneca Place	66 Stutzman Road
Lancaster, New York 14086	Bowmansville, New York 14026

**ADDITION - Probationary Non-Resident Active Member:**

Vladimir Jovic  
165 Sawyer Avenue, Apt. 1  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: RFIRE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA , WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
ZARBO, TO WIT:

**WHEREAS**, the Town Labor Negotiator and Town Attorney have advised the Town Board that with respect to the Cayuga Club Police Benevolent Association a fair resolution of the issues which were the subject of negotiation has been reached and they have further recommended that the Town Board approve the contract on the terms as have been set forth in the newly drafted contract provided to the Town Board, and

**WHEREAS**, the Cayuga Club PBA has ratified the new contract terms as negotiated;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a new labor contract with the Cayuga Club PBA of the Town of Lancaster Police Department, for a four (4) year term commencing January 1, 1999 and terminating December 31, 2002.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: rapolent.000



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Municipal Insurance Consultants (MIC) 5687 Main Street,  
Williamsville, New York 14221 has submitted a proposal to provide insurance consultant  
services for the Town of Lancaster, and

**WHEREAS**, MIC has provided these services to the Town in prior years  
and the Town Board has now reviewed their latest proposal to renew its agreement for  
provision of these consulting services, and

**WHEREAS**, the Town Board deems it in the public interest to engage an  
insurance consultant to address the various insurance matters the Town has to deal with from  
time to time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, resolved that the Town Board of the Town of Lancaster  
hereby authorizes the Supervisor of the Town of Lancaster to enter into a renewal agreement  
with Municipal Insurance Consultants, 5687 Main Street, Williamsville, New York 14221 by  
which MIC would provide consulting services to the Town of Lancaster with consideration to  
be paid to MIC as set forth in the fee schedule in the body of the Agreement.

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: rincnslt.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, property owners representing parcels which are actively engaged in agricultural pursuits as defined under the Agriculture and Markets Law of the State of New York, and which properties are within the Lancaster/Alden Agricultural District, have requested that the Town Board consider the granting of certain tax abatement to these Agricultural District properties for ad valorem levies for fire protection which is authorized in Section 305 of the Agriculture and Markets Law of the State of New York on unimproved and actively farmed parcels where such parcels meet the threshold production standard set forth in the Agriculture and Markets Law, and

**WHEREAS**, the Town Board has duly reviewed and considered the request and has further been advised by the Town of Lancaster Assessor that the granting of such abatement will result in less than \$5,000.00 in lost taxation to the town while at the same time it will encourage the continuance of agricultural pursuits within the Town;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster, pursuant to the authority contained in §305 of the Agriculture and Markets Law of the State of New York, hereby authorizes the Town Assessor to use agricultural assessments in the levy of special district fire protection charges for eligible parcels within the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: rtxabmt.200

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter  
dated February 18, 2000, has requested the addition of the following members to the  
membership roster of said fire association,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms  
the addition to the membership of the Twin District Volunteer Fire Company, of the following  
individuals:

**ADDITIONS:**

Dean J. Seyler  
225 Lake Avenue  
Lancaster, New York 14086

Gregory M. Zielinski  
55 Michaels Walk  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER PELLETTERIE, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, the Town of Lancaster has previously entered into an Agreement between the Lancaster Central School District ("District") and the Town of Lancaster ("Town"), covering the joint sharing of use, costs and expenses for the fuel storage and distribution system located at the District's Transportation Department, Pleasant View Drive in the Town of Lancaster, which Agreement expires according to its terms on March 4, 2000, and

**WHEREAS**, the District has submitted a new contract for an additional five-year term, upon the same terms and conditions as the previous contract, and

**WHEREAS**, the Town Attorney has reviewed said contract and has no objection thereto;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized to execute on behalf of the Town of Lancaster, a new contract with the Lancaster Central School District covering the joint sharing of use, costs and expenses for the fuel storage and distribution system located at the District's Transportation Department on Pleasant View Drive in the Town of Lancaster for the period March 5, 2000 to March 4, 2005.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: rfullcsd.200

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER PELLETTERIE, TO WIT:

**WHEREAS**, the Town of Lancaster has received an offer of a gift of certain real property identified as S.B.L. No. 115.06-5-7, and located on Brunswick Road in the said Town, from DOROTHY HARTMANN, 385 Eden Street, Buffalo, New York, and

**WHEREAS**, the Town Board deems it in the public interest to accept this gift of land to the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby accepts the beforementioned offer of conveyance from DOROTHY HARTMANN and extends its heartfelt thanks for her generous gift.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: rgflnd.200

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau, by letter dated  
February 22, 2000, has recommended the appointment of Kelly Hamilton to the position  
of Tutor with the Youth Bureau of the Town of Lancaster,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Kelly Hamilton, 47 Glendale Drive Lancaster, New York is  
hereby appointed to the position of Tutor with the Town of Lancaster Youth Bureau, effective  
February 24, 2000 with a salary of \$7.50 per hour, and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the  
necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: Rpers.tutor (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, a vacancy exists for a Laborer, Grade 1, in the Highway  
Department of the Town of Lancaster,

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter  
dated February 9, 2000, has recommended the appointment of **Gary Gallagher** to the position  
of Laborer, Grade 1.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Gary Gallagher, 5 Butler Drive, Lancaster, New York  
14086 be and is hereby appointed to the position of Laborer, Grade 1, in the Town of  
Lancaster Highway Department effective March 6, 2000. In accordance with the CSEA Blue  
Collar contract, he will receive 80% (\$14.30 per hour) of the full rate (\$17.87 per hour) during  
the first six (6) month probationary period, and advance to the full hourly rate after the  
probationary period has expired.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary  
action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

File: RPERS.APP (P2)

February 28, 2000

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ZARBO, TO WIT:

**WHEREAS**, a Public Hearing was held on the 7th day of February, 2000, on the proposed rezone of a certain parcel of land approximately 9± acres located south side of William Street and east side of Eastwood Village in the Town of Lancaster, New York, from an RCO-Residential Commercial Office District to an MFR-4- Multi-family District Four, and known as H. H. Housing, and

**WHEREAS**, a Notice of said Hearing has been duly published and posted and full opportunity to be heard was given to all parties in interest, and

**WHEREAS**, a SEQR of this project was held on February 7, 2000 and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an RCO-Residential Commercial Office District to an MFR-4 - Multi-family District Four:

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 95 Township 10, Range 6 of the Holland Land Company's Survey, being more particularly described as follows:

**BEGINNING** at a point in the north line of Lot 95, being the centerline of William Street, at a distance of approximately 303.2 feet more or less, west of the northwest corner of Penora Street, and at a distance of approximately 2,111.20 feet east of the northwest corner of Lot 95, said point of beginning being the northeast corner of lands conveyed to Alexander and Sophie Kaczanowski as recorded in the Erie County Clerk's Office under Liber 4739 of Deeds at Page 339.

**THENCE** southerly along the east line of lands conveyed to Henry and Stella Mullar as recorded in the Erie County Clerk's Office under Liber 1939 of Deeds at Page 468, a distance of 1024.63 feet to a point in a line distant 543.20 feet orth of the south line of said Lot 95;

**THENCE** westerly, parallel with the south line of Lot 95, a distance of 497.80 feet to a point being the east line of Eastwood Village South;

**THENCE** northerly along said lands of Henry and Stella Mullar a distance of 690.40 feet, along a line parallel to the westerly line of said Lot 95 and along the easterly line of said Eastwood Village to a point;



**THENCE** easterly parallel with the south line of Lot 95, a distance of 220.01 to a point in the southerly extension of the westerly line of an exception parcel as recorded in the Erie County Clerk's Office under Liber 10715 at Page 619;

**THENCE** northerly along the southerly extension of the west line of said exception parcel and parallel to the easterly line of said Eastwood Village, a distance of 109.90 feet to the southwest corner of said exception parcel;

**THENCE** easterly along the southerly line of said exception parcel, a distance of 197.88 feet to the southeast corner of said exception parcel;

**THENCE** northerly along the easterly line of said exception parcel, a distance of 225.00 feet to the northeast corner of said exception parcel being in the centerline of William Street;

**THENCE** easterly along the centerline of William Street, a distance of 79.88 feet to the point or place of beginning, containing 9.00 acres more or less and subject to all easements, restrictions and rights of way of record.

2. This rezone shall be conditioned as follows:

-- No clearing and/or grubbing of the land shall take place until a site plan has been submitted and approved by the Town Board.

3. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 28th day of February, 2000;

4. That a Certified copy thereof be published in the Lancaster Bee on or before March 2, 2000;

5. Affidavits of Publication shall be filed with the Town Clerk; and

6. That a Certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: rrezhha.200

**LEGAL NOTICE**  
**NOTICE OF ADOPTION OF AMENDMENT**  
**ZONING ORDINANCE - TOWN OF LANCASTER**  
**H. H. HOUSING, INC., WILLIAM STREET**

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property described is changed from an RCO - Residential Commercial Office District - to an MFR-4-Multi family District Four:

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 95 Township 10, Range 6 of the Holland Land Company's Survey, being more particularly described as follows:

**BEGINNING** at a point in the north line of Lot 95, being the centerline of William Street, at a distance of approximately 303.2 feet more or less, west of the northwest corner of Penora Street, and at a distance of approximately 2,111.20 feet east of the northwest corner of Lot 95, said point of beginning being the northeast corner of lands conveyed to Alexander and Sophie Kaczanowski as recorded in the Erie County Clerk's Office under Liber 4739 of Deeds at Page 339.

**THENCE** southerly along the east line of lands conveyed to Henry and Stella Mullar as recorded in the Erie County Clerk's Office under Liber 1939 of Deeds at Page 468, a distance of 1024.63 feet to a point in a line distant 543.20 feet north of the south line of said Lot 95;

**THENCE** westerly, parallel with the south line of Lot 95, a distance of 497.80 feet to a point being the east line of Eastwood Village South;

**THENCE** northerly along said lands of Henry and Stella Mullar a distance of 690.40 feet, along a line parallel to the westerly line of said Lot 95 and along the easterly line of said Eastwood Village to a point;

**THENCE** easterly parallel with the south line of Lot 95, a distance of 220.01 to a point in the southerly extension of the westerly line of an exception parcel as recorded in the Erie County Clerk's Office under Liber 10715 at Page 619;

**THENCE** northerly along the southerly extension of the west line of said exception parcel and parallel to the easterly line of said Eastwood Village, a distance of 109.90 feet to the southwest corner of said exception parcel;

**THENCE** easterly along the southerly line of said exception parcel, a distance of 197.88 feet to the southeast corner of said exception parcel;

**THENCE** northerly along the easterly line of said exception parcel, a distance of 225.00 feet to the northeast corner of said exception parcel being in the centerline of William Street;

**THENCE** easterly along the centerline of William Street, a distance of 79.88 feet to the point or place of beginning, containing 9.00 acres more or less and subject to all easements, restrictions and rights of way of record.

This rezone is subject to the following condition:

- No clearing and/or grubbing of the land shall take place until a Site Plan has been submitted and approved by the Town Board.

February 28, 2000

**STATE OF NEW YORK :**  
**COUNTY OF ERIE : ss:**  
**TOWN OF LANCASTER:**

THIS IS TO CERTIFY that I, JOHANNA M. COLEMAN, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of Legal Notice with the original filed in my office at Lancaster, New York on the 28th day of February, 2000, and that the same is a true and corrected copy of said original and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 28th day of February, 2000.

(SEAL)

\_\_\_\_\_  
Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER PELLETTERIE, TO WIT:

**WHEREAS, Lancaster Leasing & Storage, 495 Erie Street, Lancaster, New York,** has submitted a Site Plan prepared by Left Coast of New York Design Studio, and dated January 18, 2000, for the construction of a 4,000 s.f. storage building located at 495 Erie Street, in the Town of Lancaster, and

**WHEREAS,** the Planning Board has reviewed the plan, and by letter dated February 2, 2000 has recommended approval of this project, and

**WHEREAS,** a SEQR of this project was held on February 7, 2000 and a Negative Declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby approves the Site Plan, submitted by Lancaster Leasing & Storage and prepared by Left Coast of New York Design Studio and dated January 18, 2000 for the construction of 4,000  $\pm$  s.f. Storage building located at 495 Erie Street, in the Town of Lancaster, subject to the following conditions:

- Landscaping/planting shall be provided as per direction of the General Crew Chief of the Department of Parks, Senior Facility and Buildings and Grounds of the Town of Lancaster; and
- Must apply for and receive a variance for the side property line.

The question of the adoption of the following resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 29, 2000

File: rasite.228

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER PELLETTERIE, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered  
paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk  
by the Director of Administration and Finance, to wit:

Claim No. 733 to Claim No. 1042 Inclusive

Total amount hereby authorized to be paid: \$1,556,328.46

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER PELLETTERIE, TO WIT:

**RESOLVED** that the following Building Permit Applications be and are hereby  
approved and the issuance of these Building Permits be and are hereby authorized:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are  
waived for this permit.

(CSW) = Conditional sidewalk waiver.

**NEW PERMITS:**

Pmt #	SW	Applicant Name	Address	Structure
6552		Jurkowski, Marcia	636 Aurora St	Er. Sin. Dwlg
6553		Walnut Creek JT Ven	253 Enchanted Forest N	Er. Sin. Dwlg
6554		Donato Homes Inc	187 Nathan's Trl	Er. Sin. Dwlg
6555		Donato Homes Inc	198 Nathan's Trl	Er. Sin. Dwlg
6556		Kania, Gerald	1285 Penora St	Rem.Sin.Dwlg
6557		Marrano/Marc Equity	22 Summerfield Dr	Er. Sin. Dwlg
6558		Coleman, John	60 Creekwood Dr	Er. Sin. Dwlg
6559		Weiss, James	11 Spring Way	Er. Fireplace
6560		Gervasio, Thomas	5220 William St	Res. Alteration
6561		RJF Development JV	50 Creekwood Dr	Er. Sin. Dwlg
6562		Glenhollow Associates	16 Candlestick Ct	Er. Sin. Dwlg
6563		81 & 3 of Florida Inc	4965 Transit Rd	Dem. Dwlg
6564		Spann, Ferdinand	4967 Transit Rd	Dem. Dwlg
6565		NEC Transit William LLC	6495 Transit Rd	Dem. Dwlg
6566		Pazzaglia, Adam	41 Chestnut Corner	Er. Sin. Dwlg
6567		Pleasantview Assocs	75 Stony Brook Dr	Er. Sin. Dwlg
6568		Marrano/Marc Equity Corp	75 Old Post Rd	Er. Sin. Dwlg
6569		Neumaier, Kevin S	340 Pleasant View Dr	Er. Pool
6570		Neumaier, Kevin S	340 Pleasant View Dr	Er. Fence
6571		Kunselman, Charles R	5748 Broadway	Er. Garage
6572		Basil, Joseph	5111 Transit Rd	Er. Sign
6573		Gulla, Peter	6711 Transit Rd	Er. Sign
6574		Anderson, Rebecca	493 Lake Ave	Er. Deck
6575		Pioneer Properties Co	480 Aurora St	Er. Sign

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for  
sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement  
for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER PELLETTERIE	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2000

File:Rbldg2

## COMMUNICATIONS & REPORTS:

127. Dan Grabowski to Town Board -  
Transmittal of letter to be read at Public Hearing re: H. H. Housing Inc. rezone application. DISPOSITION = Planning Committee
128. Highway Superintendent to Supervisor -  
Request upgrade of one individual and hiring of another to fill a vacancy.  
DISPOSITION = Resolution
129. Chief of Police to Town Board -  
Request permission for two additional officers to attend conference in Cleveland, Ohio. DISPOSITION = Resolution
130. Town Engineer to Town Board -  
Recommend acceptance of P.I.P. No. 448 for street lighting within Autumn Park Phase I. DISPOSITION = Resolution
131. Safety Coordinator, Shur-line to Supervisor -  
Express gratitude for letter of recommendation re: New York Power Authority (NYPA) "Power For Jobs" program. DISPOSITION = Received and Filed
132. State Senator Volker to Supervisor -  
Transmittal of comments re: Health care Reform Act (HCRA 2000). DISPOSITION = Received and Filed
133. Association of Erie County Governments to Supervisor -  
Meeting Notice for February 17, 2000. DISPOSITION = Received and Filed
134. Earth Day Steering Committee to WNY Residents, Community and Environmental Organizations -  
Request for organization to join Earth Day 2000 festivities on April 22, 2000.  
DISPOSITION = General Crew Chief
135. Town Clerk to Town Board -  
Transmittal of Special Use Permit Application of Tony Scirri for review.  
DISPOSITION = Town Attorney
136. Bowmansville Vol. Fire Association to Town Board -  
Request approval of new members to roster. DISPOSITION = Resolution
137. Building & Zoning Inspector to Town Clerk -  
Conveyance of approval for issuance of Special use Permit. DISPOSITION = Town Attorney, Resolution
138. Gray Certified Public Accounting to Supervisor -  
Request employment for next fiscal year end audit. DISPOSITION = Supervisor
139. Town of Lancaster Industrial Development Agency to County Executive, School Superintendent, Dep. Com. For Planning & Economic Development & Supervisor -  
Notice of Public Hearing March 23, 2000 re: Lancaster Steel Service Company, Inc.  
DISPOSITION = Received and Filed
140. NYS Lieutenant Governor to Supervisor -  
Transmittal of grant application "Quality Communications Demonstration Program" for monies for local governments to enhance the opportunities and incentives for innovative planning and community development techniques that link environmental protection, economic prosperity and community well-being. DISPOSITION = Grant Consultant
141. Police Chief to NYS Dept. of Transportation -  
Transmittal of a list of traffic signals belonging to NYS which should be wired to accept emergency generator service. DISPOSITION = Public Safety Committee

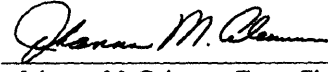


142. Council Member Zarbo to Planning Board -  
Transmittal of a list of matters he feels need to be addressed re: Comprehensive Plan.  
DISPOSITION = Planning Committee, Comprehensive Planning Committee
143. Twin District Fire Company to Town Board  
Request the addition of two new members to the roster of said fire association.  
DISPOSITION = Resolution
144. *Citizens Campaign For The Environment* to Town Clerk -  
Notice of a canvass within the Town of Lancaster, disseminating fact sheets, petitions  
and doing fund-raising. DISPOSITION = Police Chief
145. Planning Board to Town Board -  
Conveyance of minutes of meeting from 2/16/2000. DISPOSITION = Received and  
Filed
146. Town Clerk to Zoning Board Members, Building Inspector and Dep. Town Attorney -  
Transmittal of variance petitions for meeting to be held March 9, 2000.  
DISPOSITION = Received and Filed
147. General Crew Chief to Planning Board Chairman, Planning Board Members, Council  
Members Stempniak & Pelletterie -  
Determination re: landscaping for Markar Products and Tree of Life Church.  
DISPOSITION = Planning Committee
148. Executive Director Youth Bureau to Supervisor -  
Request appointment of Kelly Hamilton for position of Tutor. DISPOSITION =  
Resolution
149. Executive Director Youth Bureau to Supervisor -  
Request Youth Court Coordinator and Youth Counselor be allowed to attend the  
"Classroom Management for Non-Teaching Human Services Professionals  
Workshop" at Daemen College. DISPOSITION = Resolution
150. Director, Town of Lancaster Safety Steering Committee to Town Clerk -  
Transmittal of minutes of meeting held 2/16/2000. DISPOSITION = Received and  
Filed
151. Association of Erie County Governments to Supervisor -  
Transmittal of officers and committees for 2000. DISPOSITION = Received and Filed
152. Erie County Dept. of Environment and Planning to Town Attorney -  
Response to lead agency designation.. DISPOSITION = Planning Committee
153. NYS Dept. of Environmental Conservation to Town Attorney -  
Response to lead agency designation.. DISPOSITION = Planning Committee, Town  
Attorney
154. Highway Superintendent to Planning Board Chairman -  
Transmittal of no concerns re: Site Plan application for Tree of Life. DISPOSITION =  
Planning Committee
155. Highway Superintendent to Planning Board Chairman -  
Transmittal of no concerns re: Site Plan/Review Markar Products, Inc. DISPOSITION  
= Planning Committee
156. Town of Lancaster Emergency Management Committee Meeting to Supervisor -  
Transmittal of minutes of meeting from February 15, 2000. DISPOSITION =  
Received and Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ZARBO AND SECONDED BY THE  
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 11:50 P.M.**

Signed



Johanna M. Coleman, Town Clerk